

Notice of Allowability

Application No.

09/511,362

Examiner

Alain L. Bashore

Applicant(s)

SULLIVAN, KEVIN

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-9-04.
2. ☒ The allowed claim(s) is/are 14,15,29-31,34-41 and 44-46.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ALAIN L. BASHORE
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claims 14-15, 29-31, 34-41, 44-46 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The present invention includes independent claims 14 and 37. Both Claims 14 and 37 recite a computerized method.

Fernandez-Holtsmann is considered the closest prior art. Fernandez-Holtsmann teaches establishing a credit card account as a card payment instrument account having a rebate feature, establishing an investment account (inherently including "activation" per se) for the benefit of the approved cardholder (col 4, lines 45-46), calculating a rebate as a percentage of the net purchases periodically as a percentage of net-purchases, and funding the investment account with the rebate (col 5, lines 48-67., col 6, lines 1-20). A statement is issued (fig 5). Separate institutions are disclosed for the credit card and investment account (col 2, lines 28-33). The investment account may be an existing account (col 4, lines 45-51). Fernandez-Holtsmann also discloses funding the rebate as shared with the credit card account provider providing the credit card account (col 4, lines 20-34).

Fernandez-Holtsmann does not disclose:

issuing a statement to the cardholder where the statement includes an offer to activate an investment fund account to be funded with the rebate;

issuing a statement including information of the value of the investment fund account to the cardholder

wherein the statement including information of the value of the investment account is an investment account statement identifying rebate value applied to the investment account, and

wherein the investment account statement further identifies an accrued rebate value which has not yet vested to be applied to the investment account.

For these reasons claims 14 and 37 are deemed to be allowable over the prior art of record, and claims 14-15, 29-31, 34-36, 38-41, 44-46 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


3. Allowable subject matter requires a second level review for applications in class 705 before a notice of allowance is mailed to applicant. The time period for review may vary from application to application.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alain L. Bashore
Primary Examiner
Art Unit 3624